REMARKS

Claims 7 and 15-21 are currently pending in the application. Claims 15, 17, and 21 are in independent form. The claims have been amended to more specifically recite the claimed invention. The amendments to the claims can be found in the specification as originally filed. Specifically, the specification as filed discloses on page 6, lines 16-33 the manner in which an item is recorded by the seller.

Claim 15 stands rejected under 35 U.S.C. § 112 for failing to comply with the written description requirement. The Office Action has held that "creating a fixed catalogue," "having a service provider created a catalogue of items that can be supplied by vendors that includes a finite amount of items such that if an item is not present in the item catalogue it cannot be listed as being available for supply by a vendor," and "subsequently, automatically providing contact information for vendors of those items where the seeker has requested such information and simultaneously automatically providing contact information for the seeker to the vendors..." are not supported in the specification. Applicant respectfully points to paragraphs [0024], [0038], [0039], and [0054] as the support and basis for the above quotations from the presented claims. As such, reconsideration of the rejection is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention, specifically the term "physical occurrence" which is unclear. Claim 15 has been amended to clarify the intent of the present claim. The Office Action has also held that the language of claim 15 is indefinite and unclear. Claim 15 has been amended to clarify and define the intent of the present claim. As such, reconsideration the rejections is respectfully requested.

Claims 17-20 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to point out and distinctly claim the subject matter which application regards as the invention. Specifically, the Office Action holds that claim 17 combines two different statutory classes of invention in a single claim, and claims

18-20 are dependent on claim 17. Similarly, claims 17-20 stand rejected under 35 U.S.C. § 101 for being directed to a non statutory subject matter. Claims 17-20 have been amended to better clarify and distinctly claim the subject matter and statutory class of the present invention. Furthermore, claim 21 has been introduced to better distinguish and define the statutory classes related to the present invention. As such, reconsideration of the rejections is respectfully requested.

Claims 7, 15-17, and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,940,807 to Purcell in view of U.S. Patent No. 6,594,633 to Broerman. Furthermore, claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Purcell and Broerman in further view of U.S. Patent No. 5,319,542 to King, Jr. et al. Reconsideration of the rejections is respectfully requested.

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim.

The Office Action has held that the Purcell patent discloses a method and application for facilitating the exchange of information between vendors and seekers through a communication network including the steps of: entering vendor item records into a listing catalogue, the item records corresponding to items listed in an item catalogue; generating search queries by identified seekers for items listed in the item catalogue, the seekers only having access to search the item catalogue and not having access to the listing catalogue or to information about any vendor; automatically searching the listing catalogue for items matching those being searched for by the seekers and providing details of the matched items but not details of the vendors, to the seekers; enabling seekers, at their option, to view the identity of the vendor of any of the matched items; and subsequently, automatically providing the identity of the seeker and the items viewed to the identified vendor of any viewed item through the communication network.

When read more specifically, the Purcell patent claims a method step requiring the "...analyzing of a seller's inventory information and assimilating that information into an itemized buyer's listing of available products..." (Purcell, page 12, lines 14-16). Conversely, the presently pending claims claim the creating of a fixed item catalog by the service provider, from which sellers may select items which they can provide to be included in their own listing catalog. As the method of the present invention restricts sellers to only including items in their listing catalog which are already present in the fixed item catalog, this ensures absolute uniformity regarding the listing of identical items by multiple sellers, effectively eliminating the possibility of error, discrepancy, and duplicate records for the same item. Furthermore, the catalog of the present invention also clearly defines (restricts) the scope of the service to particular product types. It also provides for the concept of "equivalence" where a vendor can list Product A as a Product B (to which it is equivalent), such that seekers of B will find it. This is very useful for suppliers of after-market or non-genuine products. In contradistinction, Purcell's method, requiring each seller to list his/her own items without regard to a uniform listing method (and then later "analyzing" these disparate inputs in attempt to consolidate and assimilate them into a buyer's listing catalog) practically invites the appearance of erroneous, disparate, and duplicate records, precisely the problem that the present invention is directed to.

Furthermore, the Purcell patent claims a compiling step whereby similar products are condensed into single entries before being presented to the buyer ("...compiling said buyers matched listing of products and services into a condensed listing so that multiple listings for similar products or services are reduced to single entries for brevity and simplification for the reviewing buyer..." Purcell, page 12, lines 26-30). As above, this step is wholly unnecessary in the present invention, as a uniform listing scheme is ensured from the outset. Additionally, as described above, the present invention is specifically directed towards overcoming this inefficient and error-prone method for creating item catalogs as described in Purcell.

The Purcell patent imposes significant restrictions on the ability of the system (or system administrator) to restrict the buyer's ability to communicate (or purchase an item) directly from the seller. This step ensures that the system remains a "clearing house" for such transactions, allowing the administrator to collect fees or commissions for each sale. In contrast, in the present invention, once the buyer has indicated interest in an available item, the present invention automatically and fully discloses the identity and contact information of the seller to the buyer. This distinction as well highlights the novelty of the present invention over Purcell, as the elements of the present invention are specifically directed towards overcoming limitations, shortcomings, and inaccuracies, which result from the system described in Purcell. The present invention embodies the concept of mutual disclosure, i.e., "you see me, then I see you," wherein sellers become aware of inquiries about their inventory and most importantly the identity of the inquirers. In Purcell, sellers only learn of buyers, obviously so; they have no idea about inquiries. Furthermore, Purcell describes the filtering of the seller information to be presented to buyers (page 12, line 64 – page 13, line 5). As described above, the concept of filtering or restricting buyer or seller data runs contrary to the stated purpose and functionality of the present invention.

To illustrate this distinction by way of analogy, a similar concept could exist in the realm of online-based airline ticket bookings. Generally speaking, an airline only becomes aware of a customer's interest when the customer books or purchases a flight – however, nothing is learned about those who merely inquire about flights. Using the paradigm of the present invention, a potential customer looking for an airline ticket would learn the details of a flight (e.g., time of departure, etc.), but not the identity of the carrier or airline. If the customer wants to know the carrier (irrespective of whether the ticket is purchased), the airline would then be advised of the identity and information related to the inquiring potential customer. The airline is then in a position to contact the customer, presumably to encourage the customer to book with them rather than some other airline.

Finally, Purcell includes functionality allowing for the initiation and completion of a transaction between buyer and seller, as well as the charging of fees (Purcell page 13 lines 6-12). The present invention contains no such functionality, as it is directed towards introducing the two parties, not processing transactions between them.

In light of the above distinctions and novelty present in the present invention beyond that which is described in the prior art, reconsideration of the rejections is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependant on the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, and the prior art references do not disclose the characterizing features of the independent claims as discusses above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In conclusion, it is respectfully submitted that the presently pending claims are in condition for allowance, which allowance is respectfully requested. Applicant respectfully requests to be contacted by telephone at (248) 539-5050 if any remaining issues exist.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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I hereby certify that this correspondence is being electronically filed with the United States Patent & trademark Office on the above date.

Connie Herty